G. R. S. 59] GTB 15,000 20 12 1

GENERAL AND REVENUE SECRETARIAT.

~~191. 1899.~~
(Mezjra)

File No. 5

(Sectn II)

Serial Nos.

Papers Filed.

Month December 1901.

SUBJECT.

Rules laying down instructions in the matter of the disposal of suits to Pujare rights

PREVIOUS REFERENCES

LATER REFERENCES.

11/9/95

10

435

Mur. 6.]

ನಂಬರ್.

~~593~~

592 ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಹುಜೂರು ದಿವಾನ್ ಕಚೇರಿ ಮುಜರಾಯಿ ಇಲಾಖೆಯಿಂದಾ.

ಸ 16

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ನೀವು ಹುಜೂರಿಗೆ ಜಾಹಿರ್ಮಾಡಿಕೊಂಡ [illegible] 5— ನೇ ಮಾರ್ಚ್ಿ 435 ನೇ ನಂಬರ ಅರ್ಜಿ ಪರಾಂಬರಿಸಲಾಯಿತು.

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By order

7/11/95

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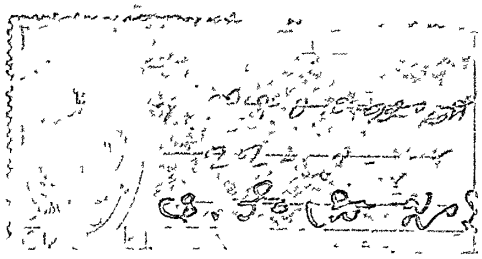
Secretary



మైసూరు రాజ్యపు అడవుల శాఖకు సంబంధించిన

శిలాశాసనములు

1896-97వ ఎపిగ్రఫీ రాజకీయ శాఖకు సంబంధించిన

శిలాశాసనసంఖ్యలు 1.

ఈ పత్రము — అడవుల శాఖ ప్రధానాధికారి గౌరవనీయులైన

చార్లు థియోడరు బౌరింగ్ గారి అనుజ్ఞ ప్రకారము

ఎడిటింగ్ సూపరింటెండెంటు అయిన

సి. హయవదన రావు బి.ఏ. గారిచే

ఆంగ్లములో వ్రాయబడి ముద్రింపబడినది.

ఈ పత్రము — అడవుల శాఖ ప్రధానాధికారి గౌరవనీయులైన

కోలక్యుగిరి రంగాచార్లు గారి

అనుజ్ఞ ప్రకారము కన్నడములోనికి వ్రాయబడినది.

ముద్రణ — ఎడిటింగ్ సూపరింటెండెంటు అయిన

సి. హయవదన రావు బి.ఏ. గారిచే

ప్రచురణ — ఎడిటింగ్ సూపరింటెండెంటు అయిన

సి. హయవదన రావు బి.ఏ. గారిచే

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ఈ పత్రము — మైసూరు రాజ్యపు ముద్రణాలయములో

ముద్రింపబడినది. ధర ఒక్కటికి ఒక అణా.

ప్రచురణ — ఎడిటింగ్ సూపరింటెండెంటు అయిన

సి. హయవదన రావు బి.ఏ. గారిచే

ముద్రణ

ఈ పత్రము — మైసూరు రాజ్యపు ముద్రణాలయములో

ముద్రింపబడినది. ధర ఒక్కటికి ఒక అణా.

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Date of Delivery 26-10-98
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No of words 280
Copying fee - 0-3-0
Composing fee 0-6
Total 0-3-6

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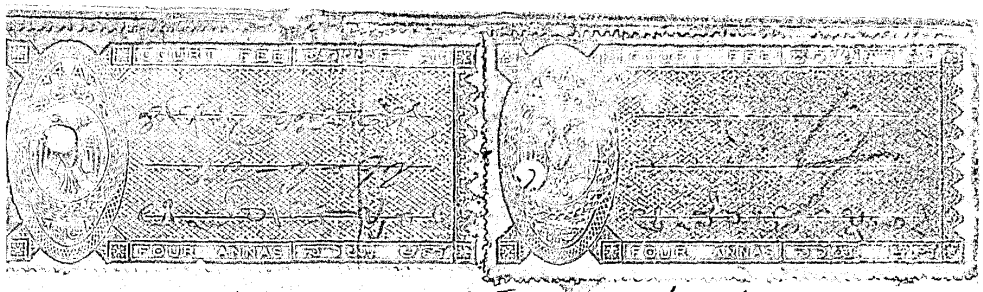


In the Court of the Amildar
Mysore Taluq.

Dated 30 $\frac{th}{th}$ Sept. 1898.

Present V. Krishna Rao
Amildar

Plaintiff
1. Yeswantha Rao
2. Gaadu Boyi
Petitioners Minors by
Guardian Bheema Rao

Defendant
Subbanachar
Son Seshagiri achar

Judgement.—

The plaintiff Sue to recover from the defendant, the puja hack of Sri Anjaneya - Swami at Hanasoge in the Yedatore Taluq. and the lands attached thereto for the Service of the said Temple by the Govt

The plaintiff

(2). The plaintiff was as follows.
That the puja hack and the lands

mentioned in the plaint Schedule were trans
ferred by gift to one Krishna Char by
Baba Char in 1835 That the said Krishna Char
and his brother Baba Char were performing
puja of the deity, and enjoying the lands
ached thereto till their life time; that after
ir death Baba Char's Son, and after his death
Son Lal Sama Char, the adopted father
the 1st Plaintiff Continued to perform
uja and to enjoy the lands till 1892. that
Krishna Char died in 1876 leaving his childless
idow Krishna Boyi; that subsequent to this,
dispute arose between widow Krishna Boyi
Ananta Char, the Grand father of the
1st Plaintiff as regards the performance
Puja and the enjoyment of the lands
ertaining thereto, and it was Settled Through
arbitration that Krishna Boyi should
ntinue in her enjoyment of the puja back
d the lands till her life-time, and that after
r death they should revert to the said
Ananta Char and to that effect, a. Munsha
Karar

Karar was executed by the said Krishna
Boya on Date 8th December 1879, that the
parties again broke out and the matter was
decided ~~decided~~ by the Government that Krishna
Boya should continue in her enjoyment of
the puja and lands, and that the defendant
should act as a gumasta on her behalf
and perform the puja receiving a remuner
-ation of 10 (ten) Kandies of paddy annually
and in accordance with this order Sheshagiri Achar the defendant was performing
the puja, but meanwhile Krishna Boya
died, that the plaintiffs are the legal heirs
of the deceased Krishna Boya and the defendant
in order to deprive the plaintiffs of their
right of holding the puja land and the land
attached thereto by Collusion with Krishna
Boya caused several false statements to
be given by her and got up documents in
prejudice to the interest
of the plaintiffs, though he had no claim
whatever and that therefore they should
be declared null and void and the plaintiff

right- Hence the Suit is to recover the
~~right~~ of performing the puja back and
of enjoying the Lands attached thereto.
The Cause of action occured in October
1896 to Wit from the time of death of Thirtha
Boji Defendant Contended that the adoption
of the 1st plaintiff by Sama Char was
also and void that the Suit does not
all with in the Jurisdiction of this Court
r the Stamp paid by the plaintiffs
to the plaint petition is Sufficient He contended
that the Suit is barred by law of —
limitation that the Suit by plaintiffs jointly
is against law and Bhima ~~Char~~ Ras is not
entitled to represent himself — as a Guardian
the minor plaintiffs that this Bhima Ras
is property and that Security Should
taken from him for the payment of all
incurred by the Defendant in the Suit.
that Baba Char and Thirtha Char were
ivided brothers and the fact that the ~~Char~~ Thirtha
Char the

The ~~charge~~ puja and lands were transferred by Baba Char to Krishna Char in 1835 is false That Baba Char granted puja and lands to Krishna Char and Subbana as a gift in 1831 of paigana. 4 ¼ of Khara under a deed on behalf of his daughters Krishna Boyi and Rangu Boyi. That Baba Char never performed the puja the temple, and Ananta Char and also Shama ~~Rao~~ Char only performed the puja as Gumastha and never enjoyed lands as hackdars, That the arbitrator reffered to in the plaint is false and the Karar of 1879 is fraudulent. That Defendant was entitled to half the in the puja and the lands, and with regard to the other half he was acting on behalf of Krishna Boyi and subsequently became a rightful claimant there and has been in the possession of the said puja and lands and That the debt of Rs 800 of

Contracted in the interests of Krishna Boyi's family affairs should be disposed of in accordance with the terms of the will.

That the statements contained in para 5 of the plaint are false. That the entry that the house referred to in the 1st area of the schedule belongs to the plaintiffs, is misleading as the said house is not in the possession of the defendant. That the defendant has filed a suit for the recovery of 10 (Ten) Cawnies and the open space attached thereto which are situated to the North of the temple in the Holi Narasipur Munsiff's Court and the particulars given in para 2 of the plaint schedule are incorrect. That defendant prays that until the question of adoption now at issue in the suit filed in the Holinarasipur Munsiff's Court by the Defendant is decided. The disposal of this plaint should be held in abeyance. That the schedules filed with the plaint have been drawn up with fraudulent motives and that the plaint should be dismissed with Costs. The following issues were framed on the

The following issues were framed

(1). Whether Yeswantha Char was adopted to Sama chars family and whether the adoption is valid

(2). Whether the present Suit is with in the Cognizance of the Amildar of Gedatore Taluq or not.

(3) Whether the Stamp Value of Rs 10/- is correct

(4). Whether Bhima Rao Can represent himself as the guardian of minor plaintiffs and whether he is entitled to file this Suit on their behalf

(5). Whether it is legal that first and second plaintiffs have jointly filed this Suit.

(6). Whether Baba char and Krishna char are divided or not.

(7) How did Krishna Boya get the puja land and the lands referred to in the Schedule to ~~the~~ the plaint. Whether she got it from Baba cha or whether she inherited it from her husband

(8) Whether the Karar of 1879 executed between Krishna Boya and Annubha char is reliable or n

(9). How far the law of limitation affects the suit and what is the proper time for bringing the suit.

(10). Whether Baba char transferred by gift on 4th of palagunna Bahula of Vikruthi 1831 the puja hack and the lands attached thereto Banga Boyi and Krishna Boya and how far it is Valid

(11). How far and under what circumstances did Ananta char and his son Sama char perform the puja hack and enjoy the benefits accruing therefrom, what were the nature of their titles thereto. —

(12). To what exctent 1st and 2nd plaintiffs are entitled to relief in this suit.

(13). What are the properties referred to the schedule; who are in their enjoyment and when and how did they get them.

(14). Which is the will referred to in para 9 of the defendant's statement and how far it relates to the suit in question.

(15). Whether the point of adoption refered to in the defendant's statement to have been pending in the Addl Narasipur Munsiff's Court is so pending. Whether in the present suit that point

Court is to be kept in abeyance until it is finally decided in the said Munsiff's Court

Page, 5-

The suit Came on for final hearing on. 21-4-97, 22-4-97, 23-4-97, 24-4-97, 25-4-97, 25-5-97, 23-6-97, 27-7-97, 18-8-97, 25-9-97, and 26-10-97:

Plaintiffs were represented by Mr. A Krishna Rao and the defendants by Messrs. M Krishna Rao and Narasinga Rao,

Plaintiff examined witnesses and the latter witnesses.

——: Exhibits filed by the plaintiffs are:-

(1). Deed of agreement executed by Krishna Boya wife of Krishna chari on Bhadrapada Bahula Shasti (8th, Sept. 79) in favour of Ananthu chari marked "A".

2. Copy of the Government decision No 188 of 1892-93 by the Amzai officer of the Mysore Government marked "B".

3. Copy of the deposition of Krishna Boja before the Deputy Commissioner of Mysore on 8-6-92 marked "C"

(4). Copy of the Jari Inamthi accounts of the Year Ananda (1855-) obtained from the Arakal Good Taluq. marked "D".

(5). Deposition of Krishna Boje on 31-7-83 before the Amildar of Yedatore Taluq marked "E".

(6). Copy of the Karar executed by Anantha Bhat on 8th September 1879 in favour of Krishna Boje "F".

(7). The Deposition of Krishna Boje on 27-6-84 before the Yedatore Taluq Amildar marked "G".

(8). Seshagiria Char's petition dt 25-7-92 and the Shikdar's report No. 63/69 dt 20-8-92 (Q.M.) "H"

(9). Muchchalika of Seshagiria Char dt 18-8-92 marked "I".

(10). Petition of Krishna Boje and Seshagiria Char 10-11-92 and Amanage Shikdar's report No. 228/292 dt 16-12-92 marked "J"

(11). Amanage ~~Sesh~~ Shikdar's Statement and the report No. 482/372 dt 22-3-94 to Seshagiria Char's petition dt 2-12-93 marked "K".

(12). Vathu Vari Book of Amanage Anantha for the Year Ananda, Nos. from 1 to 794 of which No 393 is

(13). Hala Vathu Vari Book of Amanage Anantha Nos. from 1 to 794. of which No 434 is marked "L".

(14). Copy of the deed of gift executed in Amage Tudotha Dasani of Mennantha (1835-) marked "M"

(15). Jari Inamthi book of 81 sheets for the Year Subhakrathu (1843) received from the Arakal Good

A rattal good Jalug of which sheet 59 is marked "O"

(16). Jari Inamthi Bhatamanya Maharashtra account of the Year Vilambi (1838-1839) marked "P". 25

(17) Jari Inamthi account book for the Year Khara Sheet No. 29 is marked "Q".

(18). Jari Inamthi account book of 51 sheets for the Year Dhurmukhi and sheet No. 20 is marked "R"

(19). Jari Inamthi account book of the Year Ananda (1855-) and sheet No. 25 is marked "S".

20. Copy of the extract of the Jari Inamthi account of the Year (1831-1832) Khara marked "T".

21. Copy of the extract of the Jari Inamthi account for the Year Raksha (1856) marked "U".

22. Copy of the extract of the Jari Inamthi account of Pingala (1857) "V".

23. Written Statement by the Defendant Ramachar in the Civil Suit No. 593 of 1891 in the Holi Narasipur Munsiff's Court marked "W".

Exhibits filed by the Defendant

1. Subhedar Lakshmi Narasimha Talikota to Shikdarand Sambogue intimating to the Grant of Inamthi land to Anjanaya Swami Yielding 6 pagodas marked "1".

(2). Deed of Gift executed by Balachar to Krishna and Subbamachar on palgun a

Bhanukala chaudi of the year Vikrathi (Era of Salivahana 1752) and the document D/ 21-4-97, marked exhibit-No "2"

(3) Copy of the Jari Inamthi accounts of the year 1832 (Khara) marked No "3".

(4) Copy of the Inam Register of Hosooge Nos: from 1 to 198 marked "4".

(5) Endorsement No 244 D/ 7-10-93 from the Huzur Dewans office granted to Seshagiria chari marked "5"

(6). Endorsement No 592 D/ 5/15-11-95 from the Huzur Dewans office granted to Seshagiria chari marked "6"

(7). Endorsement No 150 D/ 2-2-94 from the Inam Supdt to Seshagiria chari marked No "7"

(8). Deposition of Sama chari and Krishna Boya on 11-5-89 and 6-9-89 respectively before the Amildar of Yedatore Taluq marked "8".

(9). Copy of the Notice issued to Krishna Boya on 13-9-82 by the Amildar of Arakal good Taluq marked "9".

(10). Postal acknowledgement to a cover containing a Notice given by Krishna Boya to Anantha chari on 4-1-85 in the Auction office of Hosooge marked "10".

(11). Anantha chari's reply D/ 21-1-85 to the above Notices of Krishna Boya.

(12) Written Statement filed by Krishna Boya

Here-to 62

by Krishna Boje 8/4-9-89 presented in the Yedatore Talaq. marked No "12"

(13) Copy of the Depositions of Ananthe chat, Krishna Boje and Sanabogue Ramiappa respectively on 8/11-5-80 before Arakal Good Anildar marked 13. 14. 15.

(14). Copy of the Government decision No 188 8/18 1892-93. marked "16"

(15). Aguapathrika No. 1726 of Sreenathe Sothaya Sheera Swamy to the people of Yedatore marked "17"

(16). Copy of the Deposition of Krishna Boje before Anildar Yedatore Talaq on 5-2-89 marked "18"

17. Will executed by Krishna Boje in favour of Seshagiri chat on 24-9-96 and Registered in the Sub-Registry office of Yedatore Talaq in Book No III Vol. II. from pages 72-75 marked "19"

18. Copies of the Mis: Suit No 593 of 91, filed in the Munsiff Court of Hosle Narasipura by the plaintiffs Krishna Boje and Seshagiri chat against the defendant Ananthe chat and a list prepared there on marked "20"

19. Copy of the order in the Mis: Suit No: 722 of 1893-94 plaintiffs Yesvanthe Rao (Guardian Bhima Rao) and defendant Krishna Boje and Seshagiri.

and Seshagiria char marked "21"

20. Copy of the order in the Mis: Suit No. 278 of 96-97 The Holi Narasipur Munasiff Court. The plaintiff being Seshagiriah chab and the defendant Gopa Bojji marked "22"

21. Mahazar executed by Hanasoge Venkata Ramana avadhani and others on 19-8-93 marked "23".

(22). Mahazar executed on 26-12-91 by the Villagers shewing the fixed Cost to be incurred on ordinary occasions and on other occasions "24"

(23). petition presented to the Deputy Commissioner of Mysore District by the Villagers of Hanasoge marked No. 25.

24. petition presented to the Yedatore Taluq Cutcherry on 2-6-84 by Anantha char marked "26"

25. Sale deed executed by Sethu Madhava Bhatta to Hanasoge Narainappa on Pushaya Shankala panchami of the Year Lobhakrathu marked No: "27"

26. Copy of list of assessment levied over the area in excess of the reserved-baries relating to Hanasoge Hamlet.

27. Jari Inamthi account sheets 29 for the Year Khara and sheets 5 and 13 and are respectively marked 29 and 30.

28. Copy of the deposition by Umbli

by Samachar Son of Ananthachar, 1911-5-89.

Page 6. 29. A file of judgements and orders in the Suit No. 198 of 1876.

30. Petition of Ananthachar to the Manager of the Hossan District and the order thereon No. 4/57 dated 12-4-69 to the Amildar of Arakal Good Talaq

31 Petition of the Defendant presented to the Amildar of Yedatore Talaq with exhibits, on 30-10-97,

The Suit was instituted in the Court of the Amildar of Yedatore Talaq, while I was in charge of that talaq ~~and~~ and after the full evidence was taken by me and heard the argument of pleaders on both sides and before a judgement was pronounced I was transferred to the Mysore Talaq. But on the plaintiff's motion to transfer the Suit for judgement by me to Mysore Talaq the Deputy Commissioner

passed the order of transfer and I now proceed
to deliver judgement.

Plaintiffs Sue to recover paya kadi
and the lands attached thereto on the grounds
that they are the heirs of deceased Siri Ina
Boyi, who inherited the same from her
husband Siri Ina Char to whom the paya
and lands were transferred by one Bala Char
as a gift. This Siri Ina Char is the uncle
of (Father's Brother). Aunta Char who,
the latter is the father of plaintiff Gadu
Boyi's Husband (Father in law). and Siri
Ina Char is Thus the Grand Uncle of Yeshwantha
Char by adoption to Sama Char. Aunta
Char's Son. The plaintiff's rely for their
suit on the deed of Gift said to have been
executed by Bala Char in favour of Siri
Ina Char in Manmatha (1835) which document
is not forth coming, and the same having
been alleged by the plaintiffs to have been
kept back by Siri Ina Boyi in View to
promote the interests of the defendant to

Wrs & Wrs

to whom she was affectionately attached by
his relationship to her as Sester's Son.

Page 7. They produced an Unauthenticated
Copy of said deed of gift marked R. Said to
be taken by Samachar when he was alive.
They also refer to notes against in the Jama
Wasilbaki accounts of the years (1843) Subhadrathan
1838—1839 (Vilambhi). 1831—1832 (Dhara) Para
and Ananda (1855) and pingala 1857 and
marked as V against Konoge Villas
showing reference to the deed of gift
Manmatha. But the defendant denies
the existence of any deed of gift said
to have been drawn up in Manmatha
favour of Krishna char and produce
another deed of gift drawn up by the
said Balachar in favour of Krishna
char and his father Subbana char in
Vikruti (1830-31). 5 years previous to
Manmatha (1835) and that by the virtue
of that deed he is entitled to half the
share in the puja lands and the lands
attached thereto, being the Son of Subbana

Subbanna Chetti and to the other half by
Virtue of inheritance as Sridhara through
Krishna Boya who was his mother's sister
and who transfer it to him by a will
dated 24th September 1896. He contends
that the puja hack and the lands
attached thereto are the property of
Sridhara having been granted by
Balachar to his nieces (brother's daughters)
Krishna Boya and Ranga Boya, the latter
of whom is his mother and to the the
husbands of the sisters. Krishnachar
and Subbanchar managed them in behalf of
their wives during their life-time, Krishna Boya
enjoying them personally after her husband's
death, while it was not so in the case of her
sister, who died during the life-time of her
husband and the deceased's interest in the puja
hack and lands passed on to her minor son
the defendant.

The plaintiffs depend also upon the
Karar A, executed by Krishna Boya to
Ramachar in recognising him as the head

heir to the paya land and lands after her death and assigning to Kandies of paraya as a remuneration for the performance of paja during her life-time. Each party urges his little title to the paya and lands through persons who derived Theirs ~~from~~ from Third persons under deeds of gift. These two documents which are refered to by parties to support to adverse titles are ill different in their terms and point to different ~~to~~ ill persons in whose favour they were executed. The defendant introduces an additional ~~Grantee~~ Grantee ill in the Land (deed of gift 2) in the person of his father Subbana char while the plaintiffs refer to Krishna char who is Common to both — Parties Subbana char. Thus the deeds of gift referring to both the parties occupy a very important position in the Suit and upon admission or Negation of any one of them, the Settlement of Several of the issues in the Case depends

I now discuss the nature of Evidence both sides to support the deeds of gift. p/m

ill

6

left relied upon by both the parties —

As admitted by the defendant himself,

Page 9 he derives his titles to the puja and lands in question from Krishna Boyi and as such he may be said to take the place of Krishna Boyi in the matter of the legal interest, — possessed by her. Of Course the genuineness of the documents produced viz two deeds of Gift are called into question by both parties in respect of the deeds relied upon by the other. Ammu a char, the father in law of plaintiff Gadu Boyi, and the adoptive grand father of Ipswamba ~~Has~~ clear) and the deceased Krishna Boyi, were once parties before the Revenue authorities in their Mayrai Jurisdiction and the petition which ~~universally~~ virtually was one to decide the relative merits of the claim of the parties to the puja and to the lands attached thereto went to the Government in appeal, against the order of the Deputy Commissioner who dismissed the application of Ammu a char to be put in undisturbed

possession of the puja shack of the Temple
and the lands and ~~he~~ declared the right of
Krishna Boyi to hold the office and the lands
The Government in their decision in petition
No. 188 of 1892/93 upheld the order of the Deputy
Commissioner. This virtually was final as
between Annada Char and Krishna Boyi
And after the receipt of the order of the
Government, Krishna Boyi was allowed
to appoint any her own Gumastha and
She chose the defendant as the fit person
to perform puja on her behalf Sama Char
and latterly the plaintiffs after ~~receipt~~ her death tried
to renew their claims in a civil Court by a
regular suit, and the parties were referred
to the Mufassil authorities as the subject
matter of the suit fell entirely within
the Cognizance of those authorities

Hence this suit

Krishna Boyi and Annada Char were
hostile to one another and the latter was
more for the reason that the former through
strong affection to the defendant as her

us: nevertheless Sow tried to exclude her
Cousin Ananthia Char from all participation
in the profits accruing from the management
Page 10. of the lands attached to the temple and from
the puja itself, helping on the other hand
the defendant in all means and purposes and
petitioners and Complaints were common
to Revenue authorities against one an-
other, Ananthia Char accusing Kris hna
Boyi of the Mismanagement of the Insti-
tution and the Misapplication of the funds,
while Kris hna Boyi in her turn charging
Ananthia Char with preferring false
Complaints and with showing negligence
to perform puja in prejudice to her interests
and in furtherance of his own. The Statements
made, and petitions presented by Ananthia
Char and Kris hna Boyi to the Taluq-
Cutcherry and to the District office
prior to the year 1889 all refer to the deed
of gift of "Mannatha (1873-) and those
made and presented by Kris hna Boyi,
Subsequently the presentations being
generally in the hand writing of the

The defendant and under his Counsel tryp
to ignore the Existance of any written deed
of Gift. Vide the Statement of Khrishna Boji
before Yedatore Amildar No 12, and the
Subsequent Conduct of the said Khrishna
Boji in trying to strengthen the Case
of the defendant by offering Sime the
office of Puja on her behalf, as Coupled
with her statement of her ignorance of the deed
of Gift of Iramatha and to the presumption
lend
that she acted in Collusion with the defendan
to prejudice the Claim of Anantha char
and title
and his Son Rama char & Co-Sharer with
her, bringing into Existance the deed of
Vikriti and transfering by sale with her share
to the defendant. The period occupied between
Khrishna Boja's first statement urging the
Absence of a written deed of Gift — and that of
the execution of the Will marked No 9 was one of
development of a plot to suppress the deed of
Gift of "Iramatha" (1855) and to replace
that of Vikriti in Stead: A few extracts
from Jari Inamthi accounts prepared in the
Taluq are produced on both sides to support
the dates mentioned by them as those on. How the 62

on which their respective deeds were executed
as are referred to to affect transfers of names
These cross entries are not signed and their
Page 11 presence in some and absence in others are
without an explanation, and are sufficient
to view them both suspicion. as a manipulation

But it is not desirable to reject them
wholesale on grounds which may have
partial application. The least and reliable,
evidence available in the case is that contained in the
statement of Krishna Bozi and her opponent
Anantha Char both of whom are dead.
The nonproduction of deed of gift of Vithiti
(1830/31) marked 2 by Krishna Bozi either
before the Deputy Commissioner or before
the Government when the petition of
Anantha char for the restoration of pay
and lands was pending is certainly a very
significant fact and is sufficient to say that
if one reliable existed, its production
would have seriously affected the claim
and title of the said Anantha char and
finally declared his fate. In the order
of Government passed to state as in 1892 Do

No mention has been made to the deed No 2 in question Though the Contents There of were breathed by Thiruma Boyi in her state-ment (1) made before the Amildar on 6th September 1889. She Then stated that the transfe of the puja Sack and the lands to herself and to her sister Ranga Boyi was verbal, which shows that she was Then not in a positi to produce the written deed No 2. Nor did she Thought it — desirable to introduce it afresh before the Government when she knew that the order appealed against was passed in her favour and that the appellate Court was not likely to set it aside. But she managed to secure the initial and date of one of the Councillors who sat to hear the appeal on a Corner of the said deed with a view to eventually make it appear to say that the document was perused by the appellate authorities. I do not think that such a document which affects the sole title of Thiruma Boyi to the puja and lands and gives another an equal status with her thus reducing her title by half, would be lost sight of in an important decision of the highest authority in the province, especially when the order

Page 12.

order appealed against is silent about it
and when its production is now as affecting the
whole case by declaring that a third person
has a share in the subject-matter of the
petition to the exclusion of the appellant -
I think that no party whose interest was
affected by such an introduction at such
a stage would have allowed the matter to
go coolly without asking for an enquiry
and an additional evidence being taken
before it is accepted and acted upon. The
plan followed by Krishna Boyi in introdu
cing the deed to give the defendants a share
in the proper . was begun when Ananthu
clear was done by saying that the transfer
of the puja and lands by Balachar to
Ranga Boyi . Krishnachar was oral, and
after Ananthu Char's death she thought
she could push it only a step by saying
that the transfer of the property was a
trust for herself and to her sister
Ranga Boyi (defendant's mother) and finally
accomplished the plan by mentioning it
in a writ No 19, and giving the deed no 2, a
real existence for the first time

In this Connection it should be stated that Subbanna ch Defendant's father was a recipient — of a personal Inam land from Balachar and the note against his name in Jari Inamti account of the Year Ananda 1855 referring to personal Inams of Hansoge village refer to a deed of Gift purporting to have been executed by Bala in Vikriti 1830/31 Mins the Grant of land to Subbanachar. char to Subbanachar, according to plaint preceded that of Virabhadrachar, hence pointing to the fact that two deeds of Gift — were executed by Balachar in favour of two distinct persons on different occasions and for different purposes ie different in Nature, the first one being personal and thus unConditional and the second Conditional being one of Service to last till the Conditions of the Grant are fulfilled. Except the Jari Inamti account of Khara 1830/31 which refers to deed of Vikriti and favourable to Defendant, the other accounts clearly refer to deed of Inamatta 1835.

Now to proceed to with the oral evidence adduced on both sides to prove the execution &c

Mr

execution and identity of these documents.

Page 13. Witnesses Ramana No 7 Venkatagrath No 12 Chelava Setty No 14 and Seenappa No 15 for the plaintiffs allegations in regard to the execution of deed of gift of 1835 as having seen it in person when the Karar'a was executed the deed of gift — and the Land passing from the ——— Arantha chari possession to that of Krishna Boje. They say that the deed of gift referred to "Krannatha" (1835) and in favour of Krishnachar alone, while the Evidence of witnesses Seenappa No 1 and Venkatramiah No 2 for the defendant speak to the Contrary and support the allegation of the defendant that the deed of gift No 2 was drawn up in Vikriti (1830/31) and in favour of Krishnachar and Subbana char. The important witnesses who are the attesting persons to this document were old and infirm men residing in T. Narasipura Taluq and were examined by Commission. — plaintiffs Counsel

being given an opportunity to be present
and to cross Examine them Making some
Allowance for the defendant and Short
Comings due to their age. Such as Memory
and their present Condition as before, I think
their Evidence is not free from doubt and
to be received with Caution. It is admitted
by the defendant and his witnesses that
in order to E recover from Anantha Char
the title deeds Viz deed of Gift 1835
Ramanna and Sanad not that the Kara
A, was executed by Krishna Boya in
his favour and that the best passages referring
to the fact of admission by Krishna Boya
of the reversionary right of Anantha
Char is now alleged as a Manipulation or
introduced without the Knowledge of the
executant And the defendant and his
witnesses now attempt to Stamp the
Kara A, as fictitious I do not think
that this is in any way useful to the
defendant as the Sanad was admitted
when the

admitted more than once by the accused Krishna Boya vide her Statement exhibit F before Amildar

Page 14. and ~~before~~ Statement before Deputy Commissioner and acted upon by giving Ananthacharanmah 10 Kandies of paddy, as there in stipulated as a remuneration for the performance of puja of the temple by him With regard to the Enjoyment of the produce of the lands in question both parties have examined witnesses They are for plaintiffs, Vedavyasa Rao Char No 6. Ramana Shanabogue No 7. Venkatachalla to Ramana 11th Venkatappa 12th Chalavadilly No 14 and Semappa 15. for defendant Venkoba Rao No 4 Rama Rao No 6. Krishna Rao 7 Krishna Joies No 8 Subba Rao No 9 Venkata Ramaiah No 11. These witnesses support the party who examined them. Their evidence shows that according to plaintiffs, Krishna Char himself performed the puja, others officiating for him as his ~~resistance~~ instance, while according to the defendant Subbanchar performed the puja — whenever he visited Ramaji after he came back to Saligra and received some quantity of paddy as his share during the period he stayed in the

in the latter village from Krishnachar and after his death from his wife Krishna Boya, each party denies the other allegations in these respects and on this point too, the Evidence is not conclusive but that adduced by the plaintiffs is more consistent and less conflicting than that of the Defendant as coming from persons who were in Honsoge and who in all possibility could be aware of it, while the witnesses on the other side are utter strangers and their statements are either hearsay or a surmise.

Ramanna the Sambogue witness of Honsoge speaks from personal knowledge both from the point of resident of Honsoge and from that of his official position as a Shanabhogue in which Service he helped the official who was discharging the duty at that time. The evidence of Venkoba Rao and Krishna Rao Exhibits 3. the resident witness of Talagram while corroborating the others in regard to the receipt of paddy from Honsoge by Subbanachar make statements as to the way in which they came to know of the supply of the article and bases their information upon that furnished to them by Subbanachar himself, which in itself is vague irreconcilable much of

the

The evidence on both sides relates to the deed of gift adverted to by the parties and the oral evedence while Corroborating the Contents, There of introduces matters which would go to prove that effect was given to them

Leaving Kris nua Boyi, the defendant occupies some position during her lifetime according to his own allegations in the Suit and in no instance did he urge his title to half the Share in the paji land and to the lands attached thereto in accordance with the deed of gift No 2. Under which he presses his present claim. He allowed himself to be recognized as a Sunnasthan of Kris nua Boyi without in the least trying to make his position known either to the persons who question his Connection with the temple or to the authorities when the matter had gone so far as to receive a decision in the hands of the Government as to what relief Kris nua Boyi was entitled to as between herself and Ananthan chan, when he acted as Kris nua Boyi's personal adviser preparing petitions and Statements for her, and even accompanying of her to the

to the authorities and last[illegible] attesting for her
Signature to such petitions and Statements
I think his omissions and actions in this Capacity
affect his claim and title in a later Stage when
he takes the place of a party only in name, his
position during the life-time of Thiruma Boyi
being the same in practice, but behind the Screen
though not in name. This is sufficient to show
that he was Cognizant of all that was urged
on both sides, and only deferred to take personal
action at some future date. The way in which
Written Statement No 12 was filed by the deceased
Thiruma Boyi and attested by the Amildar on
19/1889 appears to be strange, which as above
stated, breathes for the first time, the Grant of the
Rajya and lands as a dowary to two sisters, when
it is read along with No 8 Dated 6-9-1889 which
includes Thiruma Boyi's Statement gives a little
at that Thiruma clear above had acquired
them. This Contradiction remains unexplained
by the Defendant

I thus decide the important question
of the Validity of the two deeds of Gift namely

Reg: No.
1209

OFFICE OF THE DEWAN OF MYSORE
RECEIVED
Date 13 JUL 1920
MUZRAI BRANCH

OF THE DEWAN OF MY

~~Received~~ 1274
Dt 7th June '01

MYSORE DEWAN'S OFFICE

MUZRAI DEPARTMENT.

OFFICIAL MEMORANDUM.

No. Appeal

The accompanying Petition No. 1733 dated 25th July 1901 received at the Dewan's Office from Saligrama Seshagiriachar of Hunsoge Iyedatore, appealing against the order passed by the Muzrai Assistant Commr of the Mysore District, rejecting his right to the Archakship of the Sri Anjaneyaswami Temple at Hunsoge in Iyedatore Taluk

is forwarded, together with its all enclosures, to the Dy Commissioner Mysore District, for entire submission of the records connected with the case.

2. The Dy Commissioner is requested to stay the execution of the order of the Muzrai Asst Commr, pending decision of this Appeal

By Order,

Bangalore, 7/6/1901

Dy Muzrai Secretary

7/6/01

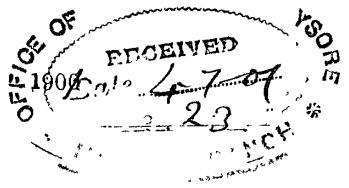
OF THE DEWAN OF MYS

Cumbum A
No. 901

7-6-1907 } (Decree's order) Ajit-

7/6/07

OFFICE OF THE DEWAN OF MYSORE
RECEIVED
Date
REG NO 1412
MUZRAT BRANCH



referred to Mysore Branch
6/7/01

No. 46

Name of Petitioner Bheema Rao for the minors — Yeswant Rao and Goduboyi

Village

Taluk

District

Date of Arzi

Date of Receipt

Date of Disposal

No. of Enclosure

9/7/07

Vide this office Endt. No
dy 10.7.1901. issued to the Peter Bath

ABSTRACT

Munzrai appeal No.
Appellant vs Respondents
Seshagiriyachar 1 Yeswant Rao
2. Goduboyi

The petitioner applies for the unauthenticated copies of the following —

1 Appeal petition
2. Order staying further action
3. Order stating that a ten rupee stamp is sufficient for the appeal petition

6/7/01

REG'D. NO. 46 R
DATE 4-7-1901

46. one anna Stamp affixed

READ THE FOLLOWING PAPERS :—

(i) Government Proceedings No. C. 25-34dated Camp Mysore, 14th March 1895 :—

ORDER—The Government resolvé to replish, for general information and guidance, the following Circular Order No. 30, dated ᵇ 26th October 1854, issued by the late Commissioner, Lieutenant-General Sir Mark Cubon, regarding suits for Pujari rights.

2. Appeals from the Amildar's decisions isuch cases now lie to the District Muzrai Officer and the Deputy Commissioner, against iose decisions final appeals lie to the Government in the Muzrai Department.

Mysore Commissioner's Circular N 30, dated 26th October 1854, to the Superintendts of Divisions.

I have the honor by desire of the Commsioner to request that you will have the goodness to cause the necessary instructions to ᵊ issued to the Amildars, prohibiting the institution of suits for Pujari rights in the Cots of your Division, but that the Amildars may enquire into such disputes * * * ad decide them, and that these decisions may be appealed against to the Commission's Huzur where the Muzrai affairs are managed."

(ii) Docket No. 866-73, dated 12th Februry 1900, requesting the Deputy Commissioners of Districts to report upon the practice ɜtaining in their respective districts in the matter of suits relating to Pujari rights.

(iii) Kadur Deputy Commissioner's letter ᗺ. 1084, dated 19th February 1900, reporting that no such suits have yet arisen in his ɜtrict, that, in the case of miscellaneous Muzrai orders made by Amildars, appeals are pferred either to the Assistant Commissioner concerned or to the Deputy Commissioner, that ı the latter case they are generally referred to the Assistant Commissioner concerned, andhat appeals from his decision are made to the Deputy Commissioner.

(iv) Tumkur Deputy Commissioner's letter ᵒ. 722, dated 15th March 1900, reporting that appeals from Amildars, or Assistaı Commissioners' decisions are invariably entertained and disposed of by the Deputy Comissioner.

(v) Bangalore Deputy Commissioner's lette No. 977, dated 10th April 1900, reporting that appeals against Amildars' decisions are ɒt entertained by the Assistant Commissioners but are heard by the Deputy Commissioer himself or referred by him to Assistant Commissioners.

(vi) Kolar Deputy Commissioner's letter No3626—767, dated 9th May 1900, reporting that subsequent to the issue of the Governmnt Order of 14th March 1895, appeals against the decisions of Amildars in Muzrai suɜ are being heard and disposed of by the Deputy Commissioner himself.

(vii) Shimoga Deputy Commissioner's lettc No. 1019—36, dated 26th May 1900, reporting that Amildars do not in general dispoe of suits for Pujari rights but that they hold a formal enquiry and submit the records tᴄthe Assistant Commissioner in charge of the taluks or the Sub-Division Officer, as the cas may be, for orders, and that against their orders, appeals lie to the Deputy Commissioner ɜ head of the District Muzrai Department.

(viii) Chitradurg Deputy Commissioner's ɗcket No. 586—27, dated 22nd February 1900, reporting that there have been no such ɑppeals entertained by Assistant Commissioners in the district.

(ix) Mysore Deputy Commissioner's docket No. 112, dated 5th March 1900, reporting that suits are in the first instance enquired intᴄ and disposed of by the Amildars, that appeals against their decisions are entertained bʏ the Sub-Division Officer or the Assistant Commissioner in ɔharge of the Muzrai work of tᴎe district, and that the decisions of these officers are ɥppeɑled against to the Deputy Commissioner.

Muzrai, dat 8th July 1901.

No. 35-44, dated Bangalore, 8th July 1901.

Order thereon—The Governm observe that while the Government Order of the 14th March 1895, read ove, contemplates only two appeals in regard to suits for Pujari rights agai the decision of an Amildar—one, the first appeal to the Deputy Commissio or the District Muzrai Officer, and the second appeal to Government, whose ision is final,—there is a diversity of practice prevailing in the several dist s. In some districts, the appeals from the decisions of Taluk Amildars are ertained by the Sub-Division Officer or the Assistant Commissioner in charge the Muzrai work of the district or the taluk concerned, and the decisions of se officers are appealed against to the Deputy Commissioner, while in other tricts the appeals against the Amildars' decisions do not go before the Sub-Div n Officer or the Assistant Commissioner, but are heard and decided by the D ity Commissioner himself, whereby the parties are either deprived of the ben of a second appeal or have to take up a third appeal to Government.

2. To prevent future trouble, th Government hereby repeat the instructions laid down in the Circular Order the 14th March 1895, and, in explanation thereof, direct the Amildars to di osc of suits relating to Pujari rights in the first instance, and Deputy Commis oners and not their Assistants to entertain and decide the appeals from th Amildars' decisions, except when the Deputy Commissioner is a European Cicer, in which case he may refer the case to his Assistant Commissioner, the sec d appeal in such cases lying to Government in the Muzrai Department.

L. ANANTASAMI RAO,
Deputy Secretary.

To—The Deputy Commissioners of Districts.
The Palace Controller, Mysore.
The Registrar, Chief Court.

Exd—c.v.

1901-1902

GOVERNMENT OF MYSORE

MUZRAI

PROCEEDINGS

Dated 8th July 1901

No. 35-44

Laying down instructions in the matter of the disposal of suits relating to Pujari rights.

SBP—16-7-1901—300

ਕਰਨ ਵਿਚ ਕੋਈ ਦਿੱਕਤ/ਮੁਸ਼ਕਿਲ—ਹਾਂ/ਨਹੀਂ—ਜੇ ਹਾਂ ਤਾਂ ਵੇਰਵਾ ਦਿਓ—

ਪੁਲਿਸ ਅਫ਼ਸਰ ਦਾ ਨਾਂ—

ਦਸਤਖ਼ਤ—

ਅਹੁਦਾ—

ਥਾਣਾ—

ਜ਼ਿਲ੍ਹਾ—

ਸਾਰਣੀ ਨੰ. 4

ਸਾਰਣੀ ਨੰ. 4 ਵਿਚ ਦਰਜ ਕੀਤੇ ਜਾਣ ਵਾਲੇ ਵੇਰਵੇ

ਕਾਲਮ ਨੰ. 1 ਵਿਚ ਲੜੀ ਨੰਬਰ ਦਰਜ ਕੀਤਾ ਜਾਵੇ।

ਕਾਲਮ ਨੰ. 2 ਵਿਚ ਮੁਕੱਦਮਾ ਨੰਬਰ ਅਤੇ ਥਾਣੇ ਦਾ ਨਾਂ ਦਰਜ ਕੀਤਾ ਜਾਵੇ।

ਕਾਲਮ ਨੰ. 3 ਵਿਚ ਮੁਕੱਦਮੇ ਦੀ ਤਫ਼ਤੀਸ਼ ਕਰਨ ਵਾਲੇ ਅਫ਼ਸਰ ਦਾ ਨਾਂ ਅਤੇ ਅਹੁਦਾ ਦਰਜ ਕੀਤਾ ਜਾਵੇ।

ਕਾਲਮ ਨੰ. 4 ਵਿਚ ਮੁਕੱਦਮੇ ਦੀ ਤਫ਼ਤੀਸ਼ ਦੀ ਮੌਜੂਦਾ ਹਾਲਤ ਦਰਜ ਕੀਤੀ ਜਾਵੇ।

ਕਾਲਮ ਨੰ. 5 ਵਿਚ ਤਫ਼ਤੀਸ਼ ਵਿਚ ਕੋਈ ਦਿੱਕਤ/ਮੁਸ਼ਕਿਲ ਦਰਜ ਕੀਤੀ ਜਾਵੇ।

ਕਾਲਮ ਨੰ. 6 ਵਿਚ ਕੋਈ ਹੋਰ ਜ਼ਰੂਰੀ ਵੇਰਵਾ ਦਰਜ ਕੀਤਾ ਜਾਵੇ।

ਲੜੀ ਨੰ.	ਮੁਕੱਦਮਾ ਨੰ. ਅਤੇ ਥਾਣਾ	ਤਫ਼ਤੀਸ਼ ਕਰਨ ਵਾਲੇ ਅਫ਼ਸਰ ਦਾ ਨਾਂ ਅਤੇ ਅਹੁਦਾ	ਤਫ਼ਤੀਸ਼ ਦੀ ਮੌਜੂਦਾ ਹਾਲਤ	ਤਫ਼ਤੀਸ਼ ਵਿਚ ਦਿੱਕਤ/ਮੁਸ਼ਕਿਲ	ਹੋਰ ਵੇਰਵਾ
1	27 ਮਿਤੀ 12.4.24 ਅ/ਧ 379 ਥਾਣਾ ਸਦਰ	ਇੰਸਪੈਕਟਰ ਹਰਜੀਤ ਸਿੰਘ, ਐਸ.ਐਚ.ਓ.	ਚਲਾਨ ਪੇਸ਼ ਕੀਤਾ ਜਾ ਚੁੱਕਾ ਹੈ	ਕੋਈ ਨਹੀਂ	ਕੋਈ ਨਹੀਂ
2	41 ਮਿਤੀ 18.4.24 ਅ/ਧ 420 ਥਾਣਾ ਸਦਰ	ਸਬ-ਇੰਸਪੈਕਟਰ ਰਾਜ ਕੁਮਾਰ	ਤਫ਼ਤੀਸ਼ ਜਾਰੀ ਹੈ	ਦੋਸ਼ੀ ਫ਼ਰਾਰ ਹੈ	ਕੋਈ ਨਹੀਂ
3	58 ਮਿਤੀ 25.4.24 ਅ/ਧ 323, 506 ਥਾਣਾ ਸਿਟੀ	ਏ.ਐਸ.ਆਈ. ਮੋਹਨ ਲਾਲ	ਚਲਾਨ ਪੇਸ਼ ਕੀਤਾ ਜਾ ਚੁੱਕਾ ਹੈ	ਕੋਈ ਨਹੀਂ	ਕੋਈ ਨਹੀਂ
4	63 ਮਿਤੀ 02.5.24 ਅ/ਧ 457, 380 ਥਾਣਾ ਸਿਟੀ	ਇੰਸਪੈਕਟਰ ਹਰਜੀਤ ਸਿੰਘ, ਐਸ.ਐਚ.ਓ.	ਤਫ਼ਤੀਸ਼ ਜਾਰੀ ਹੈ	ਕੋਈ ਨਹੀਂ	ਕੋਈ ਨਹੀਂ
5	71 ਮਿਤੀ 09.5.24 ਅ/ਧ 279, 337 ਥਾਣਾ ਸਦਰ	ਸਬ-ਇੰਸਪੈਕਟਰ ਰਾਜ ਕੁਮਾਰ	ਚਲਾਨ ਪੇਸ਼ ਕੀਤਾ ਜਾ ਚੁੱਕਾ ਹੈ	ਕੋਈ ਨਹੀਂ	ਕੋਈ ਨਹੀਂ
6	84 ਮਿਤੀ 17.5.24 ਅ/ਧ 406, 420 ਥਾਣਾ ਸਿਟੀ	ਏ.ਐਸ.ਆਈ. ਮੋਹਨ ਲਾਲ	ਤਫ਼ਤੀਸ਼ ਜਾਰੀ ਹੈ	ਕੋਈ ਨਹੀਂ	ਕੋਈ ਨਹੀਂ
7	99 ਮਿਤੀ 28.5.24 ਅ/ਧ 392, 34 ਥਾਣਾ ਸਦਰ	ਇੰਸਪੈਕਟਰ ਹਰਜੀਤ ਸਿੰਘ, ਐਸ.ਐਚ.ਓ.	ਚਲਾਨ ਪੇਸ਼ ਕੀਤਾ ਜਾ ਚੁੱਕਾ ਹੈ	ਕੋਈ ਨਹੀਂ	ਕੋਈ ਨਹੀਂ
8	112 ਮਿਤੀ 04.6.24 ਅ/ਧ 148, 149 ਥਾਣਾ ਸਿਟੀ	ਸਬ-ਇੰਸਪੈਕਟਰ ਰਾਜ ਕੁਮਾਰ	ਤਫ਼ਤੀਸ਼ ਜਾਰੀ ਹੈ	ਕੋਈ ਨਹੀਂ	ਕੋਈ ਨਹੀਂ
9	126 ਮਿਤੀ 11.6.24 ਅ/ਧ 457, 380 ਥਾਣਾ ਸਦਰ	ਏ.ਐਸ.ਆਈ. ਮੋਹਨ ਲਾਲ	ਚਲਾਨ ਪੇਸ਼ ਕੀਤਾ ਜਾ ਚੁੱਕਾ ਹੈ	ਕੋਈ ਨਹੀਂ	ਕੋਈ ਨਹੀਂ
10	139 ਮਿਤੀ 18.6.24 ਅ/ਧ 279, 337 ਥਾਣਾ ਸਿਟੀ	ਇੰਸਪੈਕਟਰ ਹਰਜੀਤ ਸਿੰਘ, ਐਸ.ਐਚ.ਓ.	ਤਫ਼ਤੀਸ਼ ਜਾਰੀ ਹੈ	ਕੋਈ ਨਹੀਂ	ਕੋਈ ਨਹੀਂ
11	152 ਮਿਤੀ 25.6.24 ਅ/ਧ 323, 506 ਥਾਣਾ ਸਦਰ	ਸਬ-ਇੰਸਪੈਕਟਰ ਰਾਜ ਕੁਮਾਰ	ਚਲਾਨ ਪੇਸ਼ ਕੀਤਾ ਜਾ ਚੁੱਕਾ ਹੈ	ਕੋਈ ਨਹੀਂ	ਕੋਈ ਨਹੀਂ
12	167 ਮਿਤੀ 03.7.24 ਅ/ਧ 420, 468 ਥਾਣਾ ਸਿਟੀ	ਏ.ਐਸ.ਆਈ. ਮੋਹਨ ਲਾਲ	ਤਫ਼ਤੀਸ਼ ਜਾਰੀ ਹੈ	ਕੋਈ ਨਹੀਂ	ਕੋਈ ਨਹੀਂ

17 ಕೆಳಗಿನವರು — 2 ಅಭ್ಯರ್ಥಿಗಳ ಹೆಸರು ಮತ್ತು ವಿಳಾಸ

ಸಹಿ/ಎಡಗೈ ಹೆಬ್ಬೆರಳು ಗುರುತು—

18 ಕೆಳಗಿನವರು 20 ಕೆಳಗಿನವರಿಗೆ ಅಭ್ಯರ್ಥಿಗಳ ಸೂಚಕರು

ಅಭ್ಯರ್ಥಿಗಳ ಹೆಸರು/ಸಂಖ್ಯೆ ಮತ್ತು ಸಹಿ—

19 ಕೆಳಗಿನವರು 25 ಕೆಳಗಿನವರಿಗೆ ಅಭ್ಯರ್ಥಿಗಳ ಅನುಮೋದಕರು

ಅಭ್ಯರ್ಥಿಗಳ ಹೆಸರು/ಸಂಖ್ಯೆ ಮತ್ತು ಸಹಿ—

Sd/- V. Krishnakar
Amildar

Copy

ಚುನಾವಣಾಧಿಕಾರಿಗಳ ಕಛೇರಿ

ಕಾರವಾರ ವಿಧಾನಸಭಾ ಕ್ಷೇತ್ರ—ಚುನಾವಣಾ ಪ್ರಾಧಿಕಾರ

ಸೂಚನಾ ಪತ್ರಿಕೆ ~~ಸಂಖ್ಯೆ~~ : 12-7-01/ಕ್ಷೇ

ಚುನಾವಣಾ ಆಯೋಗವು ಕರ್ನಾಟಕ ವಿಧಾನಸಭೆಯ ಕಾರವಾರ ವಿಧಾನಸಭಾ ಕ್ಷೇತ್ರಕ್ಕೆ ಚುನಾವಣೆಯನ್ನು ನಡೆಸಲು ನಿರ್ಧರಿಸಿರುವುದರಿಂದ ಈ ಕ್ಷೇತ್ರದಿಂದ ಆಯ್ಕೆಯಾಗಲು ಅರ್ಹರಾಗಿರುವ ಸದಸ್ಯರನ್ನು ಆರಿಸಿ ಕಳುಹಿಸಲು ಈ ಕ್ಷೇತ್ರದ ಮತದಾರರ ಪಟ್ಟಿಯಲ್ಲಿ ಹೆಸರು ನೋಂದಾಯಿಸಿರುವ ಮತದಾರರು ಅಭ್ಯರ್ಥಿಗಳನ್ನು ಸೂಚಿಸಲು ಈ ಮೂಲಕ ಕರೆ ನೀಡಲಾಗಿದೆ.

ಸಹಿ/- ಹೆಸರು

ಚುನಾವಣಾಧಿಕಾರಿ

17-7-01

FROM The Dy Commissioner
Mysore District

To The Deputy Secretary
to the Govt of
Mysore
Muzrai Dept

Dated 18th July 1901.

Despatched 19th July 1901.

Received

General No. 10
No.

Enclosure No. 2 Parcels
Schedules

As desired in his Office Memorandum, Camp No 74, dated the 7th instant, has the honor to forward herewith the entire records (as per margin) connected with the dispute as to the office of Archak of the Sri Ranganatha Swamy Temple at Hanu

22/7/01
Refers
to

1. Records in Revenue Case No 1 of 1896-97 of Yedatore Taluk, as per ferus
accompanying the file and the 24 plaints referred to
2. Records in Muzrai Appeal No 1 of 1899-1900 on the file of the Mysore
Assistant Commissioner
Deputy Commissioner, Mysore
3. A file containing Civil Appeal No 45 of 1900 on the file of the Court of
with 57 enclosures dated 18th

Yedatore Taluk, and to State that orders were issued to the Amildar on the 10th Ultimo to stay execution of the order of the Munsiff & Assistant Commissioner attached against the document marked Ex in the 1st Court is reported by the Amildar to be missing. An enquiry is being made into the matter

Yours sincerely

For Dy Commissioner

Mysore Division

OFFICE OF ... OF MYSORE
RECEIVED
Date
REG. No. 396
MUZRAI BRANCH

22/12/07

590

[illegible]

पागसाचा यिनकरु

Family of Ramnatha 1835 and Vittiti 1831

Page 16 (No 2) rejecting the documents No 2 as uncorroborated and fictitious & as fraudulent. accepting the Evidence of Ramnatha 1835 and to prove which, there is ample reliable and Connected Series of evidence I also decide that the grant of puja and Lands was to His Sons Chas. Distte Same clearly entitled his nearest heirs to inherit the property, he having no direct line. This and the same settles issues 6.7.8.10.11.12.13 and 14. —

Issue No 1 regarding the Validity of the adoption of Yeswantha char to Sama char's family. I settle in plaintiffs favour. There is ample evidence to speak of the permission given by the deceased Shama char to his wife Gauri Boyi at his death time and the fulfilment of the necessary initiative ceremonies of giving and taking of the boy and the after ceremonies of the funeral obsequies of the deceased Sama char by Yeswan char through Bhima Rao and those of adoption after the funerals were over These facts have been testified to by persons who Could

Thy
Could have Been Them and Support the point
of adoption. There is evidence also that Yeswantha
ar performed the funerals of Thirumala Boya
Bhima Rao, the relationships of the boy to the deceased Sylu chat throug
through his wife and the latters eligibility to
accomplish the wish and direction of her husband
are been held, by the Hindu law, by Mayne
legal
code article 105 Second Edition and the few dis
crepancies in the Statements of witnesses in the
details are not sufficient to affect their credibility

Issue No 4 as to whether the Suit
is within the period of limitation I decide in
The affirmative Issue No 3 as to the Sufficiency
of the Stamp Value of Rs 10/ I decide in the
affirmative, Issue No 4 regarding the eligibility
of Bhima Rao to appear ~~as~~ as guardian or next friend
I decide in the affirmative Issue
No 5 regarding the eligibility of the Joint presentation
of the Suit by the plaintiffs. I decide in the
affirmative vide Section 26 —— of the
Civil procedure Code, The Suit is within the
Cognizance of the Munsif's Court vide
Government proceedings Pc. No 25-34 which
dt 14.3.95
decides issue No 2. Issue No 15 I decide

3A 2 2nd

Issue No 15 I decide against the defendant. The result is that the plaintiffs should get the puja and lands attached thereto as shewn in the Schedule with mesne profits Nuwara 10 Kandies of Paddy being the Remuneration for the worship of the deity undertaken by the Defendant from date of Siris Nuwa Boyas death. The defendant will pay the Cost incurred by the plaintiffs

Sd/ V. Siris Nuwa Roo.

(True Copy)

Compared by
Shamo Rao.

Copy applied for - 1-10-98
Copy ready for delivery 20-10-98
Date of delivery 20.10.98 Shamo Rao
Copying fee —

No of words: 6137
Copying fee — Rs 5-11-6
Comparing fee. 1-5-0

Total 7-0-6

13030

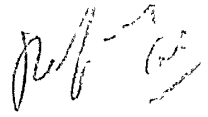
Note.

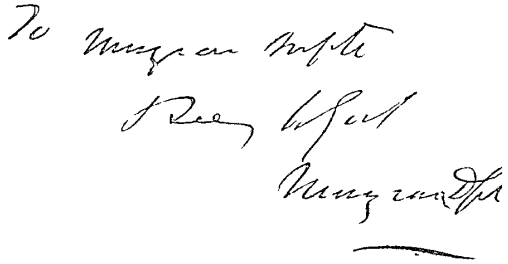
There is one defect in this case which requires consideration

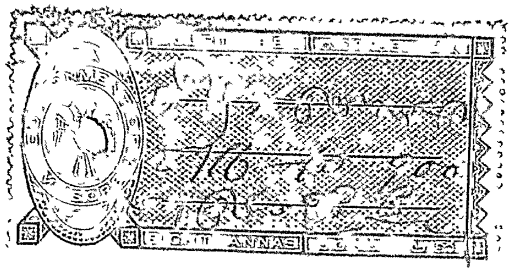
2. Under G O, 14 March 1895, M 1 Cls 14 suits relating to Bryan rights have been instituted in the County courts, but appeals from such decrees lie to the District Magistrate Office and the Govt and a second appeal to Govt.

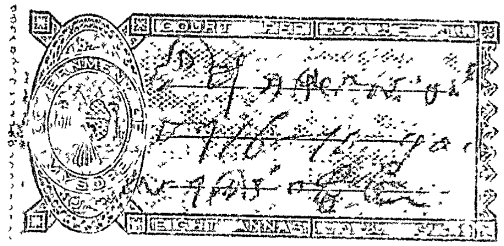
3 The District Magistrate Office I understand is the Govt — the one of his assistants may assist him in carrying on the duties connected with the Magistrate Deptt — but the power of hearing an appeal from an Asstt decree — which is a grave fact ——— I think, be delegated to an assistant

4 The order of 14 March 95 contemplates only two appeals after —









[illegible]

1899-900 [illegible]

[illegible]

[illegible] 1896-97 [illegible]

30-9-98 [illegible]

[illegible] (253-0-0) [illegible] (25?-0-0) [illegible]

[illegible] 1900 [illegible]

[illegible]

[illegible]

	[illegible]			[illegible]		
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[illegible]

[illegible]

[illegible] (253 — 0 — 0)

15th C. B. Seshagiri Row

[illegible]

Copy applied for 18-10-900

Copy ready - 25-12-900

Copy delivered 25-12-00

No of words 347

Copying fee — 0-4-0

Comparing fee - 0-0-8

0-4-8

Copy

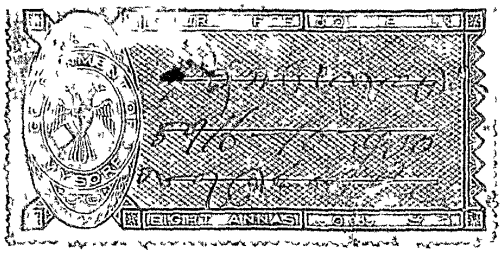
By order

V. Rama Rao

Hd. Munshi

Muzrai Deptt

Mysore Dist



In the Court of the First Class Commissioner and Muzrai Appellate Commissioner Mysore Dist.

Muzrai Appeal No 1 of 1899-1900

Mysore, 15th December 1900.

Appellant
Veshagirachar
(Plaintiff)

vs.

Respondents
1. Govinda Row
2. Jodu Raja
Minors by guardian
Subbanna Row
(Defendants)

Appeal against the decree of the Assistant Collector in Muzrai matters

Suit to have plaintiff's right to hereditary office as the Pujari of the Anjaneya Swamy at Hanasoge in the Yelahanka Taluk, and to recover the lands enjoyed as such, Rs. 1 Schedule, together with mesne profits and costs

The plaint was as follows:

The 1st plaintiff is the elder of the Shivamachariar family of the Vaishnava sect and the 2nd plaintiff is his younger brother. The family is governed by the Hindu Law of the Vaishnava sect,

temple at Hanuroge in the Yedatore
taluk as well as the Service Inam
from one Bukkachar in 1815.

2. The said Krishnachar, Babachar
& Anantachar and adoptive father
and Vasu Appa Gramachar & Gramachar
performed in succession the puja in the
temple, and enjoyed the Inam until
1882. The said Krishnachar died intestate
in 1876.

3 On the death of Krishnachar, a
dispute, having arisen between the 1st
plaintiff's grandfather Anantachar
and Krishnachar's widow Krishnabayi,
the latter claimed that Krishna
was not entitled to the whole Inam
for life, and then title, were to revert to the
plaintiff's family. A Karar was accord-
ingly executed on the 8th December 1879
by Krishnabayi in favour of
the plaintiff's father Ghanachar
and the said Krishnabayi died
on the Inam land to which Ghanachar
succeeded, and that the defendant
is entitled to possession only
to the extent of 10 cawnies
of wet land ie 20 acres. In pursuance of
the said decision the defendant attached

cancelled Kuthua Bapu died 2 months

ago

5. The Plaintiff is entitled to the
land as a reversioner to the said Hari
Ramchandra the lands as per schedule
hereto attached, but the Defendant
has fraudulently removed the said
Hari Ramchandra the documents of the
Khata of certain Kabulayats, Qar-
-khana, and -pojed- documents. Hence
the suit. Cause of action arose 2 months
ago when mutation was effected

The written statement filed by
the Defendants is as follows:-

1. The Plaintiff's action is false
and invalid.
2. This Court has no jurisdiction and
the suit cannot be entertained,
3. The suit is barred by limitation
4. That the Plaintiff has no right
to claim in this suit. Ramkrishna
never had any right to the said land
He has no title, and should suppose
the Called upon to prove it
for ours.
5 Para character was made

and not acquire the title thereby set
up in 1855.

6 The said exchange made over the
said land and other property to his
own son Ramchandra and Sub
sequently on his death to his daughters
Krishnabai and Ramgoo Bare.

7 Ramchandra never performed puja
of the Thakur and Ramchandra's
heirs would be entitled to
it from us.

8 The land referred to in para
3 of the plaint is false, and the boundar
ies of it are denied.

9 The land mentioned in the
schedule to the plaint is not
our property but belongs to Krishna
in respect of the other half.
We are in possession of the whole
Inam and the entire Inam Lands.
Krishna Bapji has to pay debts
to the extent of Rs 800/-

10. The allegations in para 5 of the
plaint are all false.

11 The house referred to in the plaint
schedule belongs to Defendant and
not to Plaintiffs.

The Defendant has preferred
to the Hole Narasipura Munsiff's Court
in respect of the buildings to the north
of the temple.

13. The particulars given in para 2
of the Schedule are incorrect

14. This suit should not be disposed of
until the question of Plaintiff's
adoption is decided in the said
Munsiff's Court

15. The Plaint schedule is all wrong
and fraudulent. Perhaps therefore
that the suit may be dismissed with
Costs

16. The following issues were framed
by the Amildar:-

1 Whether Yesvanthachar was
adopted to Shamachar's family, and
whether the adoption is valid?

2 Whether the present suit is within
the Cognizance of the Amildar of Yede-
tore Taluk or not?

3. Whether the Stamp Value of Rs 19
is Correct?

4. Whether Bheema Rao can
the plaintiff

of minor Plaintiffs, and whether he
is entitled to file this Suit on their
behalf?

5 whether it is legal that first and
Second Plaintiffs have jointly filed
this Suit?

6. whether Balachar and Krishna
Char are divided or not?

7. How did Krishna Baji get the
Puje Huk and the lands referred to in
the Schedule to the Plaint. whether
he got it from Balachar or whether
he inherited it from her husband?

8 whether the Karar of 1879 executed
between Krishna Baji and Anantha
Char is reliable or not?

9 How far the law of limitation af-
fects the Suit and what is the proper
time for bringing the Suit?

10. whether Balachar transferred
by gift on 4th of Khalguna Bahula
of Virodi 1831, the Puje Huk and the
lands attached thereto to Rungoo Baji
and Krishna Baji, and how far it
is valid?

11. How far and under what Circumstances

and Arunthachar and this Court
Thamachar perform the Rejé Kuk
and upon the benefits accruing there
from? what were the nature of their
titles thereto?

12. To what extent 1st and 2d. Plaintiffs
are entitled to relief in this Suit?

13. What are the properties referred
to in the Schedule; who are in their
Enjoyment, and when and how did
they get them.

14. Which is the will referred to in
Parag.ta of the Defendant's Statement,
and how far it relates to the Suit
&c in question?

15. Whether the point of adoption
referred to in the Defendant's Statement
to have been pending in the Hon'ble Sadr
Munsiffs Court is so pending?
Whether in the present Suit that court
is to be kept in abeyance until it is
finally decided in the said Munsiffs
Court?

The Amildar decreed the Plaintiffs

The Defendant appeals on following grounds:—

The Subordinate Judge is wrong in that 1st Minor Plaintiff Yesvanth Rao's adoption to Shamachar is proved and that the alleged adoption is valid, on the face of clear proof that Yesvantha Rao at the time of the alleged adoption, was the only son of his natural father Bheema Rao, and that the Defendant performed the funeral obsequies of his aunt Krishna Bayi, according to expressed desire contained in her will executed in favour of the Defendant filed as Exhibit (17)

2. The Subordinate Judge is wrong in holding that decision of the validity or otherwise of Exhibit Defendant's to Exhibit No 2 and Plaintiff's Exhibit A determines the questions raised in issue No 6, 7, 8, 10 11, 12, 13, and 14.

3. The Subordinate Judge erred in holding that Defendant's Exhibit No 2 is a fraudulent document

4 The Subordinate Judge is wrong in completely omitting to record with reason

any findings on issues (6 to 14) both inclusive and the procedure is illegal, in as much as these issues involve very intricate questions of law, which are very material, for the correct decision of this Case.

5. The Amildar while acknowledging the genuineness of the body of defendants Exhibit 3 (Peri Inami account) has seriously erred in holding that the Endorsement on the same is a piece of Concoction and a result of Subsequent manipulation, notwithstanding the document is a Government record, produced from proper Custody.

6. The Amildar has entirely failed to determine the Nature of the Pajeetuk and the Lands attached thereto, now in dispute and how these properties devolved upon the Defendant in Spite of the clear proof adduced by the Defendants, that he inherited them as Stridhana of his mother Krishna Baye and aunt Rungoo Baye as per the terms of Exhibit No 2 (of the defendants

7. The Amildar erred in holding that proceedings before the Revenue Authorities and Councillors in regard to the suit land now in dispute, and in which the present defendant was never a party, was a final adjudication as regards the title of this suit land and that their decision binds the present defendant as well.

8. The Amildar entirely forgets the fact that the present defendant urged his claims to the suit properties, for the 1st time, in the present suit after the death of his aunt Krishna Bai and that Krishna Bai and Ananthachar (the alleged adoptive) grand-father of 1st Junior Plaintiff) were the only contending parties before the Government in the Mysore Government and the Councillors.

9. The Amildar is wrong in holding that Defendant's will Exhibit Dm 1 was a fraudulent document and an attempt for the "clandestine of a plot to usurp" even the deed of Sept of "Manmatha"

5 Exhibit N of Plaintiff, which the Amildar wrongly believes to be a genuine document.

10. The Amildar is wrong in according the Defendant that mention of this Exhibit no 2 was made for the 1st time in his Exhibit no 17 (dated 24-9-96) completely ignoring the existence of Defendants' Exhibit no 18 which is a Caveat filed by the Defendant and his aunt Venkatha Bayi against the present Plaintiff's alleged adoptive father, so far back as 1891 clearly reciting the existence of Defendants Exhibit no 2 (Gift dated 1831) now wrongly held by the Amildar to be a spurious document.

11. The Amildar is wrong in admitting the document Exhibit no for Plaintiff which is an unauthenticated copy of an unauthentical copy, legally inadmissible, in evidence.

12. The Amildar's adjudication as regards the valuation of the suit is illegal.

13 The Amildar is wrong in not

allowing Defendant to Cross Examine the Plaintiff.

14. The Amildar has not properly appreciated the evidence and he has shown much personal interest in the case for Plaintiff in several respects, and his decision is opposed to law, facts, and probabilities of the case.

15. The Amildar erred in including Brahmadaya lands with Devadaya lands and embodying them both in the decree, although it is clear that Brahmadaya lands form no portion of the relief sought in the plaint and do not and cannot belong to Plaintiff).

The points for decision in this appeal are:—

1 Whether the alleged adoption of the Minor Plaintiff Yeswantha Rowber the late Shamachar is true?

2 Whether Balachar transferred by gift the Tu'é Huli to Krishnachar in 1835, or to both Krishnachar—

Subbanachar on behalf of
their sister Krishna Baji and
Ramgao Baji, respectively - who
were his brothers daughters?

3. If so Krishnachar alone whether,
after the death of himself and his
widow Krishna Baji, the 1st Plaintiff
is not entitled to succeed to the
property in suit as the nearest re-
versioner.

As regards the factum, as
well as the validity of the 1st Plaintiffs
adoption, there is in his favor the
finding of two Competent Civil Courts-
Namely - the Munsiff of Hole Narsipur
and the District Judge of Mysore
(See the Judgments marked 32 + 33)
Apart from the said finding, there
is ample evidence on the record
in support of the alleged adoption,
and I see no reason to differ from
the Amildar in his estimate of
the evidence

That the Privy Council

was transferred by Sufal by Ba
to Krishnachar in 1835 has been
in my opinion satisfactorily
established. There is reliable evide
to prove the existence of the deed
of Sufal, and the fact that the
deed was taken possession of by
Krishna Baya when the Karar
was executed, and strong pre-
-sumptive evidence to show that
the defendant has fraudulently
withheld it. That being so the Plain
was entitled to give secondary
evidence, and he has, as I shall
presently show, succeeded in, bring
to the satisfaction of the Court that
under the deed fraudulently with-
-held, the Puje Huk was transferred
to Krishnachar alone in 1835, and
that Krishnachar was in sole enjoyment
of the Huk till his death, and that
similarly his widow, Krishna Baya,
was in exclusive possession of

Enjoyment of the Huk till her death

Exhibit B is the order of Government in Appeal No 188 of 1892-93. In that case it was found as a matter of fact that the Puje Huk had been gifted by Balachar to Krishnachar in 1835-36. This finding is binding on the defendant (1st) because he claims a moiety of the Huk under a will executed by Krishna Baye who was a party to that appeal, and (2dly) because it was in pursuance of the decision in that case that the Defendant was appointed a Gumasta on behalf of Krishna Baye to perform Puje in the temple. If Exhibit No 2 were genuine the Defendant had a right to one half of the Puje Huk, and that being so, he would never have consented to act as a Gumasta on receipt of a mere

Kittance Exhibit No 2 was not
produced before the Lower Court
in the Course of that litigation.
Nor did the Defendant, who was
Krishna Bayi's agent in that case
ever put forward his claim to the
Bank. I strongly suspect, there fore,
that No 2 came into existence just
when the said appeal was pending
before Government. In the Course
of the hearing of the said appeal
an attempt seems to have been made
by the defendant to produce No 2, but
it seems to have been returned initialled then and there, without being placed
on the record, apparently because
it had not been produced before the
lower Courts, and no good cause was
shewn for its non-production in
proper time. Exhibits D, E and F are the
Pari Inamti accounts of the 3 years
1855-56 & 57, and they show beyond
all doubt that the Puja Bank in question
was gifted by Balachar to Krishnacha

on 1835 under a deed of gift.

The very same accounts show that certain personal & even lands were gifted by the said Balachar to the defendant's father Subba-nachar, and thus disprove the deed of gift no II.

Exhibits E & F are the statements made by the late Krishna Bayi before the Amildar. They contain a distinct admission that the Puje Hulk had been gifted to her husband Krishnachar. She would surely not have made that admission if Exhibit no 2 were genuine, for under that document the gift was made not to Krishnachar but to his wife Krishna Bayi and her sister Rungoo Bayi i.e. the defendant's mother. And it seems to me very highly improbable that the donor thought that the two young ladies could manage to perform Puje in the temple and that Krishna Bayi

and her sister would die issueless.
The idea of creating a Sepurate
Estate for a young woman does
not ordinarily enter the head of an ortho
dox Hindu, and there is no reason
to suppose that Balachar was
an exception ——————————
——— Anxious of having had no issue
he wanted probably to benefit
Krishnachar and Subbanachar
who had married his brothers
daughters, and he accordingly
gave the Devadaya lands to
Krishnachar, and Brahmadaya
lands to Subbanachar and exe-
cuted 2 deeds of gift. one in 1831 in
favor of Subbanachar and the
other in 1835 in favor of Krishna
char, seeing that after the death
of Krishna Baji the Devadaya
Lands were destined to pass
to a distant reversioner as indi-
cated in Exhibit A, the Defendan
and Krishna Baji (his aunt)
appear to have collusively

substituted the genuine deed of Sept of 1831, and substituted Exhibit No 2 bearing the same date with a view to defraud the Plaintiff, and got up a will to support the Defendants claim in respect of the Tuic Hut. This inference of mine is strongly supported by the judgments marked 32 and 33, and by the highly suspicious appearance of Ex 1 & 2. It will be seen that all the signatures in No 2 seem to have been copied with an effort, and that the signature of the Taluk Officer by whom the paper purports to have been sold is erased because it could not apparently be successfully imitated.

This is not all. When called upon in September '89 to make a statement to form the Tuticolan in respect her title Krishnaswamy

stated that there was no written deed of gift in favor of herself and her sister, but that the gift was an oral one. The writer of this statement was no other than the defendant. If, surely, no 2 existed in September '89, Krishna Baji and the Defendant would not have denied its existence. This is some evidence that exhibit No 2 has come into existence since 1889.

The Defendant relied on a note made in the margin of the Jari Inamti account of 1831- marked No 29- as shewing that the gift of the Puje Hak was in favor of both Krishnachar and Subbanachar; but, on Comparing the Entry with the original accounts sent for from the Inams office, it was found that the note relied on was not in the original, and it must therefore be a forgery. For these reasons

I see no hesitation in agreeing with the Auditor in holding that the Tripé Hut was gifted to Krishnachar alone in 1835, and that Exhibit No 2 is a forgery.

It is not denied that Krishna Char had a brother by name Babachar, and that the 1st Plaintiff's ~~co-sufferer~~ father Channachar was the son of the said Babachar. It follows that the 1st Plaintiff is entitled to succeed as reversioner to the property left by Krishnachar.

The only challenge was that the Auditor has not recorded distinct findings on issues 6 to 14, but at least that several of these issues were not called for.

It is admitted in the plaint that the property in dispute was acquired by Krishnachar by Gift from Babachar, that

being so, the question whether Krishnachar and his brother Babuchar were divided or not does not at all arise in this case and so the 6th issue may be Con-sidered as struck out

It has already been found that Krishna Baye had suc-ceeded to the Puje Hak, because her husband, who had acquired the Hak, had died without any issue. This disposes of the 7th issue

The 8th issue relates to the Karar A of 1879. There is ab-undant evidence to show that the Karar was duly executed by Krishna Baji and acted upon. Apart from the Karar the 1st Plaintiff has established his title to the Puje Hak, and so it is needless to discuss the effect of the Karar.

Krishna Baye died in October

1896. This Suit was filed in December 1896, and so there can be no question of limitation. This disposes of the 9th issue

The 10th issue relates to the genuineness or otherwise of Exhibit No 2, but this document has already been found to be a forgery.

The 11th issue relates to the right of the 1st Plaintiff's father and grand father. It is needless to consider their right, for so long as the widow Iris Luna Baji, was alive, they could not have succeeded to the Raja Gaki.

The 1st Plaintiff's adoption being established, his adoptive mother i.e the 2nd Plaintiff can have no right to the property. This disposes of the 12th issue.

The appellant contends that certain Brahmadaya

lands of his were wrongly included in the Plaint Schedule but the Government order marked No 34 shews beyond doubt that No Brahmadeya lands have been included in Devadeya lands, and on the Contrary the Defendant aided by Krishna Baji attempted to usurp a portion of the temple (or Devadeya) lands. This disposes of the 13th issue.

It is not pretended that Krishna Baji could will away her husband's property to the prejudice of the reversioners. Indeed the appellant did not press this point. This disposes of the 14th issue.

As already observed, the question of the 1st Plaintiff's adoption has been decided in his favour by Competent Civil Courts. This disposes of the 15th issue

The Suit was not properly valued, but the mistake has been since rectified.

The result is the decree of the lower Court is Confirmed and this appeal dismissed with Costs.

1807 C.B. Seshagiri Row
1st Asst Commr
and Muzrai Asst Commr

"Copy"
By order
L. Rama Rau
Hd Munshi
Muzrai Dept
Mysore Dist

Copy applied for 18.10.900
Copy ready 25-12-900
Copy delivered 25-12-900.

No of words 5534.
Copying fee - 5-4-0
Comparing fee - 1-2-8
Paper cost - 0-1-0

Rs 6-7-8 Ps

Muz. 7]

ನಂ. 412 Em 1 ದಿ 19 11.00.

ರೂಬುಕಾರಿ

ಫ್ಯ ಖಾರೀಫ್
92-9

ಮೈಸೂರು ಗೌರ್ನಮೆಂಟ್ ಮುಜರಾಯಿ ಇಲಾಖಾ

ತಾ|| ನೇ ಮಾಹೆ
189 ನೇ ಇಸವಿ ಮೊಕ್ತಂ

By Order,

Muzrai Secretary.

Thanking you,

Yours faithfully,

17/11/00

Ajit

Encl: Bill for Rs. 1,000/- (Rupees one thousand only)

Please find enclosed herewith the bill for Rs. 1,000/- (Rupees one thousand only) for the work done by me for the month of October 2000. I request you to kindly clear the bill at your earliest convenience.

I have also enclosed a copy of the bill for your reference. Please let me know if you require any further information.

Thanking you,

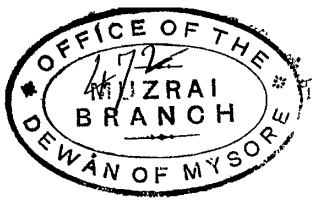
Yours faithfully,

~~189~~ 1900-1901.

FROM The Dy. Commissioner
To Mysore District
The Secretary to the Govt of Mysore
Dated 19th
Despatched } Agrl Dept
Received } January 1901.

General No. 121.
No.

Enclosure No. 1



21/1/01

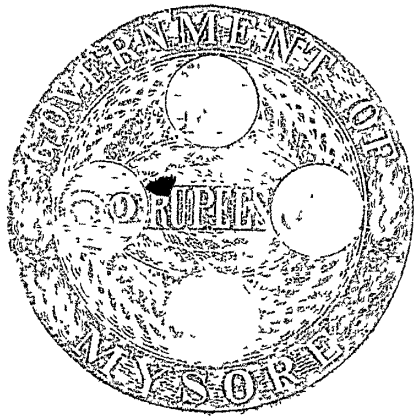
I have the honor to forward herewith for sanction a bill for Rs 370-0-0, being the amount to be refunded from the Hosa-head fund of the Lingayanagere Swamy temple at Hemsagé in the Yedatore Taluk. This amount which represents the rental

Vide no 879 dt/12/2/01

of the Inam lands attached to the temple for the year Vikari was credited to the Devasthanam fund of the temple in December last, pending the decision of an appeal in a suit regarding the Puja Haki of the temple. The appeal has been decided in favour of the respondent Ayyavayangar Rama minor represented by his guardian Bhavani Rama, and to the rental is payable to him. Hence the refund-bill.

The Valid Treasury Certificate for the amount credited is engrossed on the bill.

[illegible]
For Dy Commissioner
[illegible]



Rec'd
13/2/1901

MYSORE COURT FEE

Before the Deputy commissioner
Rev: Second appeal (Nuggur Dept)
No. of 1900-1

Sheshagiriachar
vs
1 Yeswanth Rao
2. Sodu Boy
minor by guardian
Bheema Rao

Deft Appellant

The Appellant abovenamed begs to prefer this second appeal against the decree of the Nuggur Assistt Comr in appeal no I of 1899-1900, on the following amongst other grounds.

Both the Courts below erred in holding that Exhibit No 2 the deed of gift of the year 1831, is not genuine.

(a) The Amildar is clearly wrong in holding that the said exhibit was the first time made mention of

22-1-1901

which is the plaint filed by the Appellant & Krishna Bozee, so far back as 8.9.91

(b) The Ld. Appellate Court omitted to consider this circumstance although expressly mentioned in the Memo of Appeal, & has erred in suspecting that the said Exhibit came into existence when Appeal No. 188 of 92-93 was pending before Court.

II The Ld. Appte. Ct. further erred in presuming, without any evidence whatever to support its surmise, that the said Exhibit was initialled and returned by Govt. without being placed upon the record, apparently because it had not been produced the Lower Courts and no good cause was shown for its non-production in proper time; whereas Ex: No. 5 clearly shows that a copy was filed along with the records, & the original was therefore returned.

III As a matter of fact, the appeal above-noted did not hinge upon the existence or otherwise of this Exhibit, & it was unnecessary to produce it then; for the [illegible] was whether

IV The point directly & substantially in issue in appeal No. 188 of 92-93 was not whether Krishnachar alone was the sole owner of the Hak, irrespective of the fact that he was the husband of Krishna Bozce, but this, viz, on whom did this right devolve upon his death, on his wife, or on his agnate -

V It was not for the purposes of that appeal necessary to go into the question of the exclusive right of Krishnachar, as against the joint claim of the Appellant.

VI Even assuming that the point directly & substantially in issue in that appeal was whether the gift was made exclusively to Krishnachar in 1835, the decision then arrived at will not operate as Res Judicata, at any rate, as far as half the Hak of the Appellant claimed through his mother is concerned, inasmuchas he was not a party to that appeal.

VII The Lower Appellate, as well as the Court of 1st instance erred in holding that the deed of gift of 1831, produced by the Appellant was a forgery inspite of the fact that the Jurisdiction accounts of that year make reference to that deed. & the explanation of the

Lower Appellate Court that the deed refers only to Brahmadayam lands is incorrect & unsupported by evidence -

VIII Admissions which Krishna Boyce might have made are, in the first place not conclusive evidence of the facts admitted & secondly the present Appellant is not bound by such admissions, affecting prejudicially his interest, and made by her probably without being aware of her own legal rights.

IX The Courts below erred in law in admitting an unauthenticated Copy of the deed of gift alleged to have been made in 1835 & in receiving oral evidence as to the Contents of it, in the absence of Satisfactory Explanation for the non production of the original.

X The decisions of the Courts below is regards the factum of adoption of the 1st Plaintiff by Shama Char are ultra vires, & the decree of the District Judge of Mysore on the same point (vide Ex 33), is not final, inasmuch as there is an appeal pending before the Chief Court of Mysore against that decree. Besides the question of adoption was incident & irrelevant to the suit in the said Civil case, the appellants contention being that Ex "H" is not the effect Ex Thomas not having been a party

XI. The Appellant has proved that the Puja Hak was the Stridhan of his mother Ranga Boyee & his mother's sister Krishna Boyee - The latter, therefore, had a right to will away her Hak in favor of the Appellant.

XII. The Amildar was wrong in not allowing the Appellant to Cross-examine the Pltff

XIII. The claim of the Plaintiff is for the Devadaya portion of the Inam, & not for the Brahmadaya portion, which Brahmadaya portion is admittedly the Deft. Sheshagiri achar's & the Courts below erred in holding that a portion of Brahmadaya is included in Devadaya -

XIV The Lower Appte Court was wrong in levying from the Appellant 150 Rs as Court fee, ~~&c~~ in valuing the Subject-matter of the dispute at 15 times the annual income, & in taxing the Appellant with Rs 112-8-0 as Pleader fees.

XV Both the Courts below erred in decreeing mesne profits to the Plaintiff from the date of the death of Krishna Boyee, in spite of the fact that the lands are Service Inam

and that the Defendant is the person who is actually doing the Service to which the Inam is attached.

XVI In the absence of any evidence whatever the Courts below erred in fixing the remuneration of the Defendt. at 10 Kandugas of paddy per annum

XVII Both the lower Courts have not taken into Consideration the usual expenses incurred by the Deft. in Connection with the daily worship of the Deity & no deduction was made of these from the total yield of the Inam lands. A patti of these Expenses was filed in the Taluk office on 7-7-1900 in obedience to the order of the Deputy Commissioner. As a matter of fact the remuneration of the Deft. was the balance left after deducting the usual Expenses.

XVIII The judgments of the Courts below is against law, weight of Evidence & probabilities of the Case.

P.5 The Appellant prays that execution of the Lr Courts decree may be stayed till the final disposal of the appeal, and an order to this effect may be sent to the Bailiff.

K B Certified Copies of the judgments & decrees of the Courts below in Regular Appeal No. 13 of 1901 are filed herewith.

23-1-1901 शेषगिरि शर्मा वकील

Regd No
197

Muz. 3.]

MYSORE MUZRAI DEPT.

ನಂ. 578 / 92-9

ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಹುಜೂರು ದಿವಾಣ ಕಚೇರಿ

ಮುಜರಾಯಿ ಇಲಾಖೆಯಿಂದಾ.

ಇಂಡಾರಸ್ ಹುಕುಂ

ನೀವು ಹುಜೂರಿಗೆ ಜಾಹಿರ್ಮಾಡಿಕ್ಕೊಂಡ

ಮೂಹೆ 23 ನೇ ಮುಕ್ಕಂ 861 ನೇ ನಂಬರ್

ಪ್ರಕಾರ ಅರ್ಜಿ ಪರಾಂಬರಿಸಲಾಯಿತು.

7/2/01

Regd.

Manager

MUZRAI

189

From

To The Dy Commr
Mysore Dt

Dated 12th Feb 1901.

Despatched

Received

General No. 879
Muzrai F. No.

Enclosure No. 1

His No 121 dated 19th January 1901 submitting for sanction a bill for Rs 370. being the amount of rent realized from the Inam lands belonging to the Sri Anjaneyaswamy Temple at Hanasoge, Yedatore Taluk, and stating that the amount was credited to Muzrai Funds pending the decision of an appeal regarding the Archakship of the temple and that the money has now to be paid to one Yeswant Rao the respondent in the

favor the appeal has
been decided

Has the honor to state
that a second appeal
has been filed in this Office
by one Seshagiriachar in the
matter of the Archakship
of the temple in question;
this appeal petition has
been returned to the party
with a direction to produce
Copy of the Dy Commrs order
in the case which was not
filed therein the

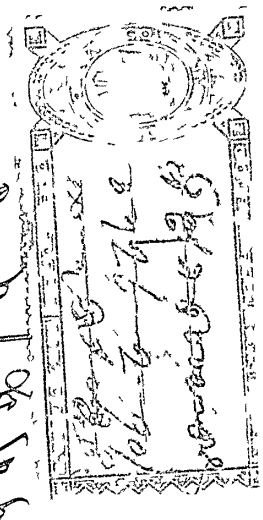
2. As thus the question
relating to the Archakship
of this temple has not been
finally disposed of, the
payment of the money
referred to in the Communication
under reply should be
postponed for the present—
The Roll is accordingly
returned unsanctioned

By order

A

Mrs Secy

Two Rs stamp affixed may



Call for the records
7/6/07

(10)

ਕੇਰਲ ਹਾਈਕੋਰਟ ਨੇ ਕਿਹਾ ਕਿ ਕੋਈ ਵਿਅਕਤੀ ਜੋ ਕਿਸੇ ਵਿਅਕਤੀ ਦੀ ਮੌਤ ਦਾ ਕਾਰਨ ਬਣਦਾ ਹੈ ਜਾਂ ਕਿਸੇ ਵਿਅਕਤੀ ਨੂੰ ਗੰਭੀਰ ਸੱਟ ਪਹੁੰਚਾਉਂਦਾ ਹੈ, ਉਸ ਨੂੰ ਆਈਪੀਸੀ ਦੀ ਧਾਰਾ 304 ਏ ਦੇ ਤਹਿਤ ਲਾਪਰਵਾਹੀ ਨਾਲ ਮੌਤ ਦਾ ਕਾਰਨ ਬਣਨ ਲਈ ਸਜ਼ਾ ਦਿੱਤੀ ਜਾਣੀ ਚਾਹੀਦੀ ਹੈ ਅਤੇ ਉਸ ਨੂੰ ਮੋਟਰ ਵਾਹਨ ਐਕਟ ਦੀ ਧਾਰਾ 134 ਦੇ ਤਹਿਤ ਸਜ਼ਾ ਨਹੀਂ ਦਿੱਤੀ ਜਾਣੀ ਚਾਹੀਦੀ ਹੈ।

ਕੇਰਲ ਹਾਈਕੋਰਟ ਨੇ ਕਿਹਾ ਕਿ ਕੋਈ ਵਿਅਕਤੀ ਜੋ ਕਿਸੇ ਵਿਅਕਤੀ ਦੀ ਮੌਤ ਦਾ ਕਾਰਨ ਬਣਦਾ ਹੈ ਜਾਂ ਕਿਸੇ ਵਿਅਕਤੀ ਨੂੰ ਗੰਭੀਰ ਸੱਟ ਪਹੁੰਚਾਉਂਦਾ ਹੈ, ਉਸ ਨੂੰ ਆਈਪੀਸੀ ਦੀ ਧਾਰਾ 304 ਏ ਦੇ ਤਹਿਤ ਲਾਪਰਵਾਹੀ ਨਾਲ ਮੌਤ ਦਾ ਕਾਰਨ ਬਣਨ ਲਈ ਸਜ਼ਾ ਦਿੱਤੀ ਜਾਣੀ ਚਾਹੀਦੀ ਹੈ ਅਤੇ ਉਸ ਨੂੰ ਮੋਟਰ ਵਾਹਨ ਐਕਟ ਦੀ ਧਾਰਾ 134 ਦੇ ਤਹਿਤ ਸਜ਼ਾ ਨਹੀਂ ਦਿੱਤੀ ਜਾਣੀ ਚਾਹੀਦੀ ਹੈ।

2 ਅਦਾਲਤ ਨੇ ਕਿਹਾ ਕਿ ਜੇਕਰ ਕੋਈ ਵਿਅਕਤੀ ਕਿਸੇ ਵਿਅਕਤੀ ਦੀ ਮੌਤ ਦਾ ਕਾਰਨ ਬਣਦਾ ਹੈ ਜਾਂ ਕਿਸੇ ਵਿਅਕਤੀ ਨੂੰ ਗੰਭੀਰ ਸੱਟ ਪਹੁੰਚਾਉਂਦਾ ਹੈ, ਉਸ ਨੂੰ ਆਈਪੀਸੀ ਦੀ ਧਾਰਾ 304 ਏ ਦੇ ਤਹਿਤ ਲਾਪਰਵਾਹੀ ਨਾਲ ਮੌਤ ਦਾ ਕਾਰਨ ਬਣਨ ਲਈ ਸਜ਼ਾ ਦਿੱਤੀ ਜਾਣੀ ਚਾਹੀਦੀ ਹੈ ਅਤੇ ਉਸ ਨੂੰ ਮੋਟਰ ਵਾਹਨ ਐਕਟ ਦੀ ਧਾਰਾ 134 ਦੇ ਤਹਿਤ ਸਜ਼ਾ ਨਹੀਂ ਦਿੱਤੀ ਜਾਣੀ ਚਾਹੀਦੀ ਹੈ।

2 ਅਦਾਲਤ ਨੇ ਕਿਹਾ ਕਿ ਜੇਕਰ ਕੋਈ ਵਿਅਕਤੀ ਕਿਸੇ ਵਿਅਕਤੀ ਦੀ ਮੌਤ ਦਾ ਕਾਰਨ ਬਣਦਾ ਹੈ ਜਾਂ ਕਿਸੇ ਵਿਅਕਤੀ ਨੂੰ ਗੰਭੀਰ ਸੱਟ ਪਹੁੰਚਾਉਂਦਾ ਹੈ, ਉਸ ਨੂੰ ਆਈਪੀਸੀ ਦੀ ਧਾਰਾ 304 ਏ ਦੇ ਤਹਿਤ ਲਾਪਰਵਾਹੀ ਨਾਲ ਮੌਤ ਦਾ ਕਾਰਨ ਬਣਨ ਲਈ ਸਜ਼ਾ ਦਿੱਤੀ ਜਾਣੀ ਚਾਹੀਦੀ ਹੈ ਅਤੇ ਉਸ ਨੂੰ ਮੋਟਰ ਵਾਹਨ ਐਕਟ ਦੀ ਧਾਰਾ 134 ਦੇ ਤਹਿਤ ਸਜ਼ਾ ਨਹੀਂ ਦਿੱਤੀ ਜਾਣੀ ਚਾਹੀਦੀ ਹੈ।

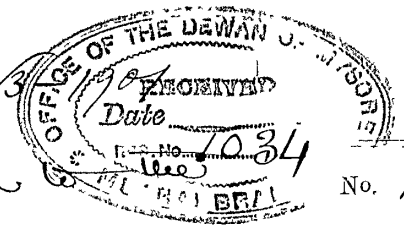
Per of 13-3-1901
3319

Transferred to Secretary to Govern-ment, Revenue Dept.

By order
M. Bheema Rao.
for Secretary.
8 3.01

.3.1901

Ad 14/3/01



1900

No. 1733

Name of Petitioner Saligram Seshagiriar

Village
Taluk } Yedatore

District Mysore

Date of Arzi 25-2-1901

Date of Receipt 1-3-1901

Date of Disposal

No. of Enclosure 5

ABSTRACT

The petitioner states that Bheema Rao, guardian of the minors - Godu Boya and Yeswant Rao, filed a suit in the Court of the Amildar of the Yedatore Taluk to recover from him the hak to perform the puja of Sri Mukhaprana of Hanasoge; that there the case was decided in favour of the plaintiffs; that the Amil-

Assistant Commr, Mysore Dt.
Confirmed the decree of the lower
Court and dismissed his
appeal; that on 23-1-1901
he appealed to the Menzy: Dept
of the Dewan's office; that in
reply he received Endorsement
No. 578/92-9 dated 7-2-901 directing
him to produce the copy of
the order passed by the Dy
Commr in the matter; that,
with a view to obtain the
order of the Dy: Commr, he
presented on 13-2-01 a petition
to him; that the petition was
returned to him with the order—
"Return for being properly stamped",
noted thereon; that the Khata
of the land granted for the performance
Pantara - Diparadhane
~~Hon above god~~ has been
made out in the name of
the above God, and it has
been in the possession and
enjoyment of the person who
has been doing the Puja that

that during the Inam Settlement of 1880, the land was confirmed to the God as Devadaya Inam; that the above plaint was for the recovery of the Puja-bak and for the possession of the Inam granted for Paditara-Dipa-radhane to the God, and it was admitted and finally disposed by the original Court on a ten-rupee stamp paper; that his first appeal was admitted on a ten-rupee stamp paper, but that at the time of disposal he was compelled to pay a Court Cost of Rs 140 and the lawyer's fee of Rs 112-8-0; that the two lower Courts have erred in holding the Service Inam land in question as one of the nature of an enfranchised Brahmadaya Inam; that

that though it is clear that
the Appellant was doing the
puja Service and that he has
met the daily and occasional
expenses & ca of the temple from
the income of the temple Inam
Lands, they have not deducted
these expenses in the decrees; &
that they have unjustly valued
the subject matter of the contention
at 15 times the annual income
and compelled the appellant
to pay a proportionate Lawyer's
fees and the mesne profits.

The petitioner prays that
this appeal may be admitted; that
the excessive costs of the
two lower courts be first reduced;
and that the execution of the
~~decrees~~ decrees of the lower
Courts be stayed pending
final disposal of this appeal
to Govt.

Rao J
8/3/01

has been doing the puja, that